



## APPEALS

Title 357-52 WAC describes the appeal process and defines appeal rights for non-represented employees. Employees covered by a master agreement should review their applicable agreement to learn their appeal rights.

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### What actions may be appealed?

- A permanent employee under the jurisdiction of the Personnel Resources Board (PRB) may appeal a dismissal, suspension, demotion, separation or salary reduction.
- Any employee whose position has been exempted from state civil service law (41.06 RCW) may appeal the exemption to the PRB.
- Any employee under the jurisdiction of the PRB who is affected by a violation of a state civil service law ([41.06 RCW](#)) or rules contained in [Title 357 WAC](#) may appeal to the PRB by filing exceptions (objections) to the Director's determination.
- Any employee under the jurisdiction of the PRB who is in a position at the time of its allocation or reallocation may appeal to the PRB by filing exceptions to the Director's determination.
- Any employee or employer may appeal remedial action to the PRB by filing exceptions to the Director's determination.
- A Washington Management Service (WMS) employee may appeal a dismissal, suspension, demotion, separation, or salary reduction.

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### What are the timelines for filing an appeal?

To be considered timely, an appeal must be received in writing at the office of the Board within 30 calendar days after:

- The effective date of a disciplinary action or separation; or
- Service of the director's determination unless the rules specifically state the director's determination is final; or
- The effective date of the exemption of the employee's position or notice of exemption, whichever is later.

The Board reviews appeals for timeliness.

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### What information must be submitted with an appeal?

The appeal must include specific information outlined in WAC 357-52-020. The Department of Personnel has standardized forms for use by an appellant or the appellant may prepare and use their own documents so long as the specific information outlined in the WAC is included.

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### Does the Personnel Resources Board hear all appeals?

In addition to the Board hearing appeals, the Board may designate one or more hearings officers or the DOP Director to mediate appeals, conduct prehearing conferences and/or hearings, and make recommended or final decisions.

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**How are appeal hearings conducted?**

Hearings are open to the public unless the Board determines there is reason for not having an open hearing, or the employee requests the hearing be closed. The hearing is informal, and technical rules of evidence do not apply. All parties select their own representatives, present and cross-examine witnesses, and give evidence before the Board. One member of the Board may hold a hearing and take testimony to be reported for action by the Board. Audio recordings are made of the hearing.

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**What actions may the Board or hearings officer take following a hearing?**

The Board or a hearings officer may affirm, reverse or modify an employer's action or remand the matter for further proceedings.

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**What happens if the hearings officer makes a recommended decision to the Board?**

Either party may file written exceptions to the Board within thirty days of notice of the recommended decision. If no exceptions are filed, the recommended decision becomes final thirty days after notice is given. However, the Board may reconsider the recommended decision on its own motion.

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**Can a decision by the Board be appealed?**

Decisions and orders of the Board are final.

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